

Senate File 177 - Introduced

SENATE FILE 177

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A BILL FOR

1 An Act relating to domestic abuse protective orders and pets or
2 companion animals owned or held by a petitioner, respondent,
3 or minor child of the petitioner or respondent in a domestic
4 abuse case.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 236.3, subsection 1, Code 2013, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *Og.* Name or description of any pet or
4 companion animal owned, possessed, leased, kept, or held by the
5 petitioner, respondent, or minor child of the petitioner or
6 respondent whose welfare may be affected by the controversy.
7 However, this paragraph shall not apply to livestock as defined
8 in section 717.1, held solely or primarily for commercial
9 purposes.

10 Sec. 2. Section 236.4, Code 2013, is amended by adding the
11 following new subsection:

12 NEW SUBSECTION. 3A. The court may include in the temporary
13 order issued pursuant to this section a grant to the petitioner
14 of the exclusive care, possession, or control of any pets or
15 companion animals owned, possessed, leased, kept, or held by
16 the petitioner, respondent, or minor child of the petitioner or
17 respondent whose welfare may be affected by the controversy.
18 The court may forbid the respondent from approaching, taking,
19 transferring, encumbering, concealing, molesting, attacking,
20 striking, threatening, harming, or otherwise disposing of the
21 pet or companion animal. This subsection shall not apply to
22 livestock as defined in section 717.1, held solely or primarily
23 for commercial purposes.

24 Sec. 3. Section 236.4, subsection 4, Code 2013, is amended
25 to read as follows:

26 4. If a hearing is continued, the court may make or extend
27 any temporary order under subsection 2, ~~or 3~~, or 3A that it
28 deems necessary.

29 Sec. 4. Section 236.5, subsection 1, paragraph b, Code 2013,
30 is amended by adding the following new subparagraph:

31 NEW SUBPARAGRAPH. (7) A grant to the petitioner of
32 the exclusive care, possession, or control of any pets or
33 companion animals owned, possessed, leased, kept, or held by
34 the petitioner, respondent, or minor child of the petitioner or
35 respondent whose welfare may be affected by the controversy.

1 The court may forbid the respondent from approaching, taking,
2 transferring, encumbering, concealing, molesting, attacking,
3 striking, threatening, harming, or otherwise disposing of the
4 pet or companion animal. This subparagraph shall not apply to
5 livestock as defined in section 717.1, held solely or primarily
6 for commercial purposes.

7

EXPLANATION

8 This bill relates to domestic abuse protective orders
9 and pets or companion animals owned or held by a petitioner,
10 respondent, or minor child of the petitioner or respondent in
11 a domestic abuse case.

12 The bill provides that a person who files a petition for
13 relief from domestic abuse pursuant to Code section 236.3 may
14 include in the petition the name or description of any pet or
15 companion animal owned, possessed, leased, kept, or held by the
16 petitioner, respondent, or minor child of the petitioner or
17 respondent whose welfare may be affected by the controversy.

18 The bill further provides the court may include in both
19 temporary and permanent orders issued a grant to the petitioner
20 of the exclusive care, possession, or control of any pets or
21 companion animals owned, possessed, leased, kept, or held by
22 the petitioner, respondent, or minor child of the petitioner or
23 respondent whose welfare may be affected by the controversy.
24 The court may forbid the respondent from approaching, taking,
25 transferring, encumbering, concealing, molesting, attacking,
26 striking, threatening, harming, or otherwise disposing of the
27 pet or companion animal.

28 The bill does not apply to livestock as defined in Code
29 section 717.1, held solely or primarily for commercial
30 purposes.